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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, APRIL 11, 2001

JOINT APPLICATION OF

GROUNDHOG MTN. PROPERTY
OWNERS, INC.

CASE NO. PUE990814

and

GROUNDHOG MTN. WATER &
SEWER COMPANY, INC.

For authority to acquire and to
dispose of utility assets
pursuant to the Transfers Act and
for certificates of public convenience
and necessity pursuant to §§ 56-265.2
and 56-265.3

ORDER FOR NOTICE AND HEARING

On April 6, 2001, Staff filed its Report on the joint application of Groundhog Mtn. Property Owners, Inc. ("GMPO"), and Groundhog Mtn. Water & Sewer Company, Inc. ("GMW&S" or the "Company") (collectively, the "Applicants"). In its Report, Staff noted the Comments, Objections, and Request for Hearing ("Comments") filed by Doe Run Properties, LLC, and The Doe Run at Groundhog Mountain, Inc., on March 19, 2001. Staff stated that the Comments raised issues that require additional review and recommended a hearing on the matter.

NOW THE COMMISSION, having considered the above-referenced Comments and Staff's Report, is of the opinion and finds that a

hearing should be scheduled in the matter. We will establish a procedural schedule for the filing of pleadings, testimony, and exhibits and appoint a hearing examiner to conduct all further proceedings.

Accordingly, IT IS ORDERED THAT:

(1) As provided by § 12.1-31 of the Code of Virginia and Rule 7:1 of the Commission's Rules of Practice and Procedure ("the Rules"), 5 VAC 5-10-520, a Hearing Examiner is appointed to conduct further proceedings on behalf of the Commission and to file a final report with the transcript of this proceeding.

(2) A public hearing for the purpose of receiving evidence relevant to the application is hereby scheduled before a Hearing Examiner at 10:00 a.m. on July 17, 2001, in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia.

(3) Applicants shall make a copy of their joint application and all materials they may subsequently file in this proceeding available for public inspection during regular business hours at the Hillsville Library, 101 Beaverdam Road, Hillsville, Virginia 24343.

(4) On or before May 15, 2001, Applicants shall prefile with the Commission an original and seven (7) copies of any direct testimony in support of their application.

(5) On or before May 10, 2001, Applicants shall mail the following notice (bill inserts are acceptable) to all of their customers in Patrick and Carroll Counties, Virginia:

NOTICE OF JOINT APPLICATION OF GROUNDHOG
MTN. PROPERTY OWNERS, INC., AND GROUNDHOG
MTN. WATER & SEWER COMPANY, INC., FOR
AUTHORITY TO ACQUIRE AND TO DISPOSE OF
UTILITY ASSETS PURSUANT TO THE TRANSFERS ACT
AND FOR CERTIFICATES OF PUBLIC CONVENIENCE
AND NECESSITY
CASE NO. PUE990814

Groundhog Mtn. Property Owners, Inc. ("GMPO"), and Groundhog Mtn. Water and Sewer Company, Inc. ("GMW&S") (collectively, the "Applicants"), completed their application initially filed on December 13, 1999, and subsequently amended on March 14, 2000. In their application, GMPO and GMW&S request authority pursuant to Chapter 5 of Title 56 of the Code of Virginia, the Transfers Act, for GMW&S to acquire and for GMPO to dispose of GMPO's water and sewer facility assets pursuant to a license agreement between the Applicants. Pursuant to that license agreement, GMW&S will have the sole right to occupy and to use all of GMPO's water and sewer assets to provide water and sewer service to the residents of the Groundhog Mountain, Doe Run, Buck Hollow, and Groundhog Hill Subdivisions located in Patrick and Carroll Counties, Virginia (the "Subdivisions"). The Applicants also request, pursuant to §§ 56-265.2 and 56-265.3, certificates of public convenience and necessity to acquire the above-referenced assets and to provide water and sewer service to residents of the Subdivisions. In addition, the Applicants request approval of GMW&S' proposed rates rules, and regulations of service detailed in its application and the Commission's Order dated January 9, 2001.

A public hearing to receive evidence relevant to GMPO's and GMW&S' application will be convened at 10:00 a.m. on July 17, 2001, before a Hearing Examiner in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219.

A copy of the application, together with copies of any materials subsequently filed, is available for public inspection during regular business hours at the Hillsville Library, 101 Beaverdam Road, Hillsville, Virginia 24343. The application and above-referenced materials are also available for public inspection Monday through Friday, 8:15 a.m. to 5:00 p.m., at the State Corporation Commission, Document Control Center, Tyler Building, First Floor, 1300 East Main Street, Richmond, Virginia. Interested persons also may obtain a copy of the Commission's Order for Notice and Hearing setting forth the complete procedural schedule from the Commission's Web site, www.state.va.us/scc/caseinfo/orders.htm.

On or before May 24, 2001, any person desiring to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protester as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules"), 5 VAC 5-10-180, shall file with the Clerk of the Commission, at the address set forth below, an original and seven (7) copies of a Notice of Protest as provided in Rule 5:16(a), and shall serve a copy of the same on counsel for the Applicants as follows: Wilburn C. Dibling, Jr., Esquire, Gentry Locke Rakes & Moore, P.O. Box 40013, Roanoke, Virginia 24022-4013.

PLEASE TAKE NOTICE that while the total revenue requirement that may be approved is limited to the amount of revenue produced by the Company's proposed rates, individual rates and charges approved by the Commission

may be either higher or lower than those proposed by the Company.

Any person participating as a Protestant pursuant to Rule 4:6 shall file with the Clerk of the Commission, on or before June 5, 2001, an original and seven (7) copies of its Protest as provided in Rule 5:16 (b), 5 VAC 5-10-420 C, together with the prepared testimony and exhibits it intends to present at the hearing, and shall simultaneously serve a copy thereof on the Applicants' counsel and to any other Protestants. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules, 5 VAC 5-10-210.

Any person desiring to make a statement at the public hearing concerning the above-referenced application need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (Voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning GMPO's and GMW&S' application should be directed to Joel H. Peck, Clerk, State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218, and should refer to Case No. PUE990814.

GROUNDHOG MTN. PROPERTY OWNERS, INC., AND
GROUNDHOG MTN. WATER & SEWER COMPANY, INC.

(6) The Applicants shall forthwith serve a copy of this Order on the Chairman of the Board of Supervisors of any county and upon the Mayor or Manager of any county, city, or town (or equivalent officials in counties, towns, and cities having alternate forms of government) lying within their proposed service territory. Service shall be made by first-class mail or delivery to the customary place of business or residence of the person served.

(7) On or before May 24, 2001, any person desiring to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, as defined in Rule 4:6, 5 VAC 5-10-180, of the Commission's Rules of Practice and Procedure ("Rules"), shall file an original and seven (7) copies of a Notice of Protest as provided in Rule 5:16(a), 5 VAC 5-10-420 B, and shall serve a copy of the same on Applicants' counsel, Wilburn C. Dibling, Jr., Esquire, Gentry Locke Rakes & Moore, P.O. Box 40013, Roanoke, Virginia 24022-4013. The Notice of Protest shall refer to Case No. PUE990814.

(8) Within five (5) days of receipt of a Notice of Protest, the Applicants shall serve upon each Protestant a copy of this Order, a copy of the application, and a copy of all materials available for public review now or hereafter filed with the Commission.

(9) On or before June 5, 2001, any person participating as a Protestant pursuant to Rule 4:6, 5 VAC 5-10-180, shall file with the Clerk of the Commission an original and seven (7) copies of its Protest as provided in Rule 5:16(b), 5 VAC 5-10-420 C, together with an original and seven (7) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing, referring to Case No. PUE990814, and shall simultaneously serve a copy thereof on Applicants' counsel and any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirement of Rule 4:8 of the Commission's Rules, 5 VAC 5-10-210.

(10) The Commission Staff shall analyze the above-referenced application and, on or before June 19, 2001, shall file with the Clerk of the Commission an original and seven (7) copies of the prepared testimony and exhibits it intends to present at the public hearing. Except as modified above, discovery shall be in accordance with Part VI of the Rules.

(11) On or before July 10, 2001, the Applicants shall file with the Clerk of the Commission an original and five (5) copies of any testimony its expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants.

(12) At the commencement of the hearing scheduled herein, the Applicants shall provide to the Commission proof of the notice and service required by ordering paragraphs (5) and (6).

(13) The Applicants and Protestants shall respond to written interrogatories or data requests within seven (7) days after the receipt of such requests. Except as so modified here, discovery shall be in accordance with Part VI of the Rules.